

ITEM NO: _____

PREPARED BY: _____

APPROVED BY: _____

RESOLUTION AMENDING THE FY 2009 OPERATING BUDGET TO ACCEPT GRANT FUNDS FROM THE SHELBY FARMS PARK CONSERVANCY IN THE AMOUNT OF \$4,775,000.00 FOR ACQUISITION OF A RIGHT OF WAY, NECESSARY BRIDGE AND INFRASTRUCTURE REPAIR, AND AMENDING THE FY2009 CIP BUDGET TO TRANSFER FUNDS IN THE AMOUNT OF \$375,000.00 FROM THE COUNTY'S CIP CONTINGENCY FUND TO THE GRANT FUND TO BUILD A PUBLIC ASPHALT TRAIL; APPROVING A PURCHASE AGREEMENT WITH CSX TRANSPORTATION, INC. FOR THE PURCHASE OF 7.04 MILES OF RAIL CORRIDOR FOR THE DEVELOPMENT OF A PUBLIC TRAIL; AND AMENDING THE MANAGEMENT AGREEMENT WITH SHELBY FARMS PARK CONSERVANCY TO AUTHORIZE ITS MANAGEMENT OF THE CORRIDOR FOR USE AS A PUBLIC TRAIL. THIS ITEM REQUIRES EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$4,775,000.00 AND CIP FUNDS IN THE AMOUNT OF \$375,000. SPONSORED BY COMMISSIONERS DEIDRE MALONE AND STEVE MULROY.

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, desires to develop a public trail for the use and benefit of the citizens of Memphis and Shelby County; and

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, recognizes the significant benefits of public trails insofar as they bolster the community's economic development efforts by encouraging business recruitment and retention, which is of particular importance in the current economic climate and ever-increasingly competitive global economy; and

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, further recognizes the benefits of public trails in that they connect neighborhoods and provide citizens with pedestrian and cycling paths for exercise that serve as an alternative mode of transportation and enhance our conservation efforts; and

WHEREAS, the County has negotiated with CSX Transportation, Inc. to purchase a 110 foot wide 7.04 mile corridor of an unused rail line located between Avery Avenue in central Memphis and Farm Road at Shelby Farms Park, for the purpose of developing such corridor into a public trail; and

WHEREAS, Shelby Farms Park Conservancy has indicated a desire to partner with the County in developing such a trail, and has provided notice to the County that it would provide a \$4,775,000.00 grant to the County to acquire the corridor and make repairs necessary for the

installation of a public trail, provided that the County install a basic asphalt trail along the corridor; and

WHEREAS, the Board of Commissioners of Shelby County desires to accept these grant funds for this use; and

WHEREAS, the Memphis Metropolitan Planning Organization Transportation Policy Board has programmed 80% or \$1.5 million dollars of federal Surface Transportation Program ("STP") funds to the County for use in developing the trail, provided that the County provides the 20% matching fund in the amount of \$375,000; and

WHEREAS, Shelby Farms Park Conservancy desires to manage, operate, and enhance the trail for public use, providing for greater access to Shelby Farms Park for many citizens of Memphis and Shelby County; and

WHEREAS, on July 13, 2007, the County entered into a Management Agreement with Shelby Farms Park Conservancy for the management of Shelby Farms Park; and

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, desires to amend the Management Agreement with Shelby Farms Park Conservancy to amend the territory included and expand the scope of responsibilities of the respective parties in order to provide for adequate management, maintenance and enhancement of the public trail; and

WHEREAS, it is necessary to enter into a Grant Agreement and to amend the FY 2009 Operating Budget to accept these grant funds; and

WHEREAS, it is necessary to amend the FY 2009 CIP budget to transfer \$375,000 to the grant fund to provide the match necessary to access the STP funds to build an asphalt trail; and

WHEREAS, it is necessary to enter into a Purchase Agreement with CSX Transportation, Inc. to acquire the property and fulfill the terms of the Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Grant Agreement as set forth in Exhibit A which is attached hereto and incorporated by reference, be and is hereby approved.

BE IT FURTHER RESOLVED, That the FY 2009 Operating Budget for the Public Works Division and the FY 2009 CIP Contingency Budget is hereby amended and funds

appropriated per Exhibit B, which is attached hereto and incorporated hereinto by this reference as if fully set forth herein.

BE IT FURTHER RESOLVED, That \$4,500,000.00 is hereby appropriated from account number 670-300201-7012, Land for the acquisition of a right of way for a public trail, and that \$650,000.00 is hereby appropriated from account number 670-300201-7013 (Land Improvements), Roads & Bridges Services to provide necessary bridge and infrastructure repair and matching funds for installation of the trail.

BE IT FURTHER RESOLVED, That the Purchase Agreement with CSX Transportation, Inc. for the purchase of 7.04 miles of rail corridor for the development of a public trail, as set forth in Exhibit C which is attached hereto and incorporated by reference, be and is hereby approved.

BE IT FURTHER RESOLVED, That the Amendment to the Management Agreement between Shelby County Government and Shelby Farms Park Conservancy, as set forth in Exhibit D and attached hereto and incorporated by reference, be and is hereby approved.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute any and all documents necessary to comply with the intent of this resolution, an executed copy of which shall be placed on file in the Contracts Administration Department.

BE IT FURTHER RESOLVED, That the County Mayor and Director of Administration and Finance be and are hereby authorized to issue their warrant or warrants to the extent of appropriations, made in this resolution, pursuant to the terms and conditions of said grant and to take proper credit in their accounting therefore.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

Shelby Farms Park Conservancy (SFPC) has agreed to grant \$4,775,000 to Shelby County to purchase the 7-mile stretch of the unused CSX corridor that runs from Avery Street in Memphis (behind the school board office on Hollywood) to Farm Road at Shelby Farms to develop a trail. The acquisition price for the rail corridor is \$4.5 million; the remaining \$275,000 will be used to repair and improve the 5 bridges along the trail.

SFPC has agreed to give these funds to the County, provided that the County (1) installs a basic asphalt trail by the end of the year, and (2) SFPC assumes primary responsibility for operation and maintenance of the trail.

There are \$1.5 million dollars of federal Surface Transportation Program ("STP") funds available to the County to use in developing the trail, provided that the County provides the 20% matching funds in the amount of \$375,000.

Thus, the County is able to leverage \$6,275,000 in private and federal funds to develop a trail.

This resolution does the following:

- (a) Accepts the \$4,775,000 in grant funds from Shelby Farms Park Conservancy, agreeing to the condition that the County build a trail by the end of 2009.
- (b) Authorizes use of CIP funds up to \$350,000 to be used to build the trail.
- (c) Approves the Purchase Agreement with CSX to purchase the right-of-way for the trail.
- (d) Amends the Management Agreement with Shelby Farms Park Conservancy to authorize it to operate, enhance, and maintain the trail.

II. Source and Amount of Funding

Grant Funds for Acquisition of the CSX corridor/repairs (Source Shelby Farms Conservancy)	\$4,775,000.00
Local Match (Shelby County Government – CIP) Transferred from CIP Contingency funds (Project Number 101999)	375,000.00
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	\$5,150,000.00

III. Contract Items

- A. Acceptance of grant award from Shelby Farms Park Conservancy for \$4,775,000 which requires the County to install a basic asphalt trail by December 31, 2009. \$4.5 million of the grant is to be used to acquire the property from CSX and the remaining \$275,000 is to be used to make necessary bridge repairs.
- B. Approval of the Purchase Agreement with CSX to purchase the right-of-way for the trail.
- C. Amendment to existing Management Agreement with Shelby Farms Park Conservancy to authorize them to operate, enhance, and maintain the trail.

IV. Additional Information Relevant to Approval of this Item

- Administration recommends approval of this Resolution.
- Costs for environmental due diligence and trail design work will be paid out of existing grants that are restricted to environmental projects such as these.
- Shelby County Government, through its policies and programs, recognizes the benefits of trails to the community. No longer are trails an amenity--they are an essential part of a sustainable community that provide alternative transportation corridors, reduce congestion and improve air quality, and connect neighborhoods.
- Construction of a Trail, in the heart of the city and county, will provide the following benefits:
 - (1) During a time of increased competition for relocating or expanding businesses, it allows us to join the ranks of progressive communities in attracting forward-thinking global businesses whose leaders value the alternative-transit and recreational opportunities a trail provides for their workers.
 - (2) It allows us to connect the diverse neighborhoods in our community, providing real access – particularly to our city residents – to Shelby Farms Park.
 - (3) It provides a convenient and safe opportunity for our citizens to exercise, improving the health of our city, and promotes biking and other modes of transportation that reduce our dependency on cars.
 - (4) If we do not act, CSX will move forward with its abandonment which will leave the corridor vacant and unused.